

COC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

03 MAR -5 AM 9:34

UNITED STATES OF AMERICA,

Plaintiff,

V.

Rafael ZEQUEIDA-Vinalay

Defendant.

Magistrate Case No.

'08 MJ 0668

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about, **August 03, 2007**, within the Southern District of California, defendant, **Rafael ZEQUEIDA-Vinalay**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Deportation Officer
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **05th** DAY OF **March 2008**.

UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**NAME: ZEQUEIDA-Vinalay, Rafael****PROBABLE CAUSE STATEMENT**

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On Friday, August 03, 2007, the defendant identified as Rafael ZEQUEIDA-Vinalay was arrested by the San Diego Police Department for various State violations and booked into county jail. While in the custody of county jail, an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Hold" pending his release. On Tuesday, March 04, 2008, at approximately 8:15 a.m. the defendant was referred to United States Immigration and Customs Enforcement custody. Deportation Officer Gregory Harrison reviewed various sources of information and conducted official record checks in regards to the defendant. A thorough review of the defendant's official immigration record revealed that he is a citizen and national of Mexico having been previously removed from the United States on five occasions.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed by an Immigration Judge on two occasions, the most recent being on or about May 18, 2008 and physically removed to Mexico on May 23, 2006 via the San Ysidro Port of Entry. Record checks also revealed that the defendant has been issued a re-instatement of removal on two occasions and two expeditious removals, the most recent being on May 30, 2007 via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Rafael ZEQUEIDA-Vinalay, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Based upon the foregoing information, there is probable cause to believe that Rafael ZEQUEIDA-Vinalay has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.